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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,060	08/20/2001	Dan Raphaeli	12407.0034	6701

25937 7590 02/01/2005

ZARETSKY & ASSOCIATES PC
8753 W. RUNION DR.
PEORIA, AZ 85382-6412

EXAMINER

NALVEN, ANDREW L

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/933,060	Applicant(s) RAPHAELI ET AL.	
	Examiner Andrew L Nalven	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/20/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 and 19-47 is/are allowed.
- 6) ☒ Claim(s) 13 and 15-18 is/are rejected.
- 7) ☒ Claim(s) 14 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/20/01 and 8/4/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-47 are pending.

Claim Objections

2. Claim 19 is objected to because of the following informalities: Claim 19 contains the typo "receiving a received packet" on line 7. Examiner suggests a correction to read "receiving a packet" Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Statute dictates that a dependent claim shall specify a further limitation of the subject matter of the independent claim. As currently presented, claim 15 removes a limitation from its parent claim. Claim 15 provides the limitation "without transmitting said emergency packet." This limitation conflicts with the limitation of claim 13, "transmitting to a destination node an emergency packet."

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glawitsch US Patent No. 6,772,334 in view of Skeen et al US Patent No. 5,557,798.

Glawitsch discloses a system for preventing a spoofed denial of service attack in a network. Skeen discloses a method for providing decoupling of data exchange details for providing high performance communication between software processes.

7. With regards to claim 13, Glawitsch teaches the determining that a received packet comprises an address corresponding to said victim node (Glawitsch, column 7 lines 16-31) and in response transmitting to a destination node an emergency packet (Glawitsch, column 7 lines 25-31, reset packet). Glawitsch fails to teach the resending of said emergency packet in response to receipt of an emergency packet request transmitted from said destination. Skeen teaches the resending of a packet in response to receipt of a packet request transmitted from said destination (Skeen, column 46 lines 17-25). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Skeen's method of requesting retransmission because it offers the advantage of reliable transmission by ensuring that all packets are received at

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the receiving node thus eliminating the possibility of missing or garbled packets (Skeen, column 5 lines 44-55).

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glawitsch US Patent No. 6,772,334 and Skeen et al US Patent No. 5,557,798, as applied to claim 13 above, and in further view of Sherer et al US Patent No. 5,568,476. Sherer discloses a method for avoiding packet loss on a CSMA/CD type local area network using a receive sense based jam signal.

9. With regards to claim 16, Glawitsch as modified fails to teach the step of continually resending said emergency packet with random backoff times until receiving an indication of receipt by the destination node. Sherer teaches the step of continually resending said packet with random backoff times until receiving an indication of receipt by the destination node (Scherer, column 5 lines 53-62). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Sherer's backoff method with Glawitsch as modified because it offers the advantage of helping reduce the likelihood of repeated collisions between packets (Scherer, column 2 line 51 – column 3 line 12).

10. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glawitsch US Patent No. 6,772,334 and Skeen et al US Patent No. 5,557,798, as applied to claim 13 above, and in further view of Abrol et al US Patent No. 6,785,823. Abrol discloses a method for authentication in a wireless system

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11. With regards to claims 17-18, Glawitsch as modified fails to teach the method implemented in an ASIC or FPGA. Abrol teaches implementations using an ASIC or FPGA (Abrol, column 13 lines 28-37). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Abrol's method of implementing using ASICs or FPGAs because they offer the advantage of high speed processing by implementing the functions on hardware that is specifically designed for the particular security functions.

Allowable Subject Matter

12. Claims 1-12 and 19-47 are allowed.

13. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

14. The present invention teaches a method for detecting intrusion attempts by an imposter. Independent claims 1, 19, 28, 36, and 47 identify the distinct feature of determining, at a victim node, that a received packet comprises an address corresponding to said victim node and at a destination node, detecting a carrier signal not followed by receipt of an emergency packet, and in response thereto transmitting an

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emergency packet request. The closest prior art, Glawitsch US Patent No. 6,772,334 teaches a system for preventing a spoofed denial of service attack in a networked computing environment. Glawitsch teaches the determining that a received packet comprises an address corresponding to a victim node, but fails to teach the present invention's claimed emergency packet system whereby detection of a carrier signal not followed by receipt of an emergency packet causes a destination node to transmit an emergency packet request. Thus fails to anticipate or render the above limitations obvious.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L Nalven whose telephone number is 571 272 3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571 272 3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Naiven



GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100